

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
) No. 8:24-mj-00463(GLF)
v.)
) **Order Designating Material Witness and**
MD FARIAJ MIRIDHA,) **Issuing Warrant**
)
Defendant.)
)

The United States of America has applied to the Court for designation of BHUPINDER SINGH as a material witness and for issuance of a material witness warrant to secure his presence for a deposition to perpetuate his testimony in accordance with the provisions of Title 18, United States Code, Section 3144, Rule 15 of the Federal Rules of Criminal Procedure, and Title 8, United States Code, Section 1324(d). Given that the testimony of the witness is crucial to this criminal proceeding and that securing the witness presence via subpoena may prove impractical, it is ordered to detain the witness to allow the government time to depose them.

ORDERED, that the aforesaid person is a material witness in this proceeding and shall remain in custody of the United States Marshal until trial or until the witness provides a deposition.

Dated: October 2024
Plattsburgh, New York

Hon. Gary L. Favro
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)	No. 8:24-mj-00463(GLF)
)	
v.)	The United States' Application for
)	Designation of Material Witness and
MD FARIAJ MIRIDHA,)	Arrest Warrant
)	
Defendant.)	
)	

Carla B. Freedman, United States Attorney for the Northern District of New York (by Leilani Dominicci-Vazquez, appearing) hereby requests that the Court issue an order finding that BHUPINDER SINGH (the “Material Witness”) is a material witness and that, if necessary, an arrest warrant be issued to preserve his presence in the District until his deposition can be taken.

The United States respectfully submits the following to the Court in support of its material witness application:

(a) The Material Witness is a material witness in the case of *United States of America v. Miridha*, No. 8:24-mj-00463 (GLF), in which the defendant is charged as follows based on conduct on or about October 6, 2024:

The defendant, knowing and in reckless disregard of the fact that aliens have come to, entered, and remained in the United States in violation of law, did transport, move and attempt to transport and move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

(b) The Material Witness is an unlawful alien who the defendant was transporting within the United States. The United States provides further supporting facts in the attached affidavit.

(c) The Material Witness is not lawfully present in the United States and, to the undersigned's knowledge, has no ties within the United States sufficient to ensure his appearance in future proceedings.

(d) The Material Witness is currently charged in Case No. 8:24-mj-00464 (GLF) with illegally entering the United States, in violation of Title 8, United States Code, Section 1325(a)(2).

(f) The undersigned has been informed that the Material Witness is subject to a United States immigration detainer and may be deported following completion of the criminal matter pending against him. For this reason, it is impracticable to secure the presence of the Material Witness by subpoena for trial of the case against defendant BHUPINDER SINGH.

(g) The testimony of the Material Witness is necessary and essential to the prosecution of the case against the defendant because the Material Witness is an alien who the defendant transported within the United States in violation of Title 8, United States Code, Section 1324(a)(1)(A).

WHEREFORE, the United States moves the Court for an Order pursuant to Title 18, United States Code, Section 3144 and Rule 15 of the Federal Rules of Criminal Procedure, and as contemplated by Title 8, United States Code, Section 1324(d), further supported by the attached affirmation.

Respectfully submitted,

Carla B. Freedman
United States Attorney
Northern District of New York

Dated: October 23, 2024

By: /s/Leilani Dominicci-Vazquez
Leilani Dominicci-Vazquez
Assistant United States Attorney
Bar Roll No. 705803

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)	No. 8:24-mj-00463(GLF)
)	
v.)	Affirmation in Support of the United
)	States' Application for Designation of
MD FARIAJ MIRIDHA,)	Material Witness and Arrest Warrant
)	
Defendant.)	
)	
)	

Leilani Dominicci-Vazquez, under penalties of perjury, affirms and says:

1. I am a Special Assistant United States Attorney in the Office of the United States Attorney for the Northern District of New York, and as such, am familiar with the facts, circumstances, and proceedings in this case to date.
2. This affidavit is submitted in support of your affiant's request that the Court designate BHUPINDER SINGH (the "Material Witness") as a material witness and issue an arrest warrant upon him.
3. The Material Witness was arrested on October 6, 2024, for being unlawfully present in, and illegally entering, the United States. The United States' investigation to date reveals that the Material Witness is an alien and that the defendant was transported within the United States.
4. On October 5, 2024, Swanson Sector Border Patrol observed two individuals walking south toward the international boundary line of the United States and Canada. Border Patrol Agents (BPAs) responded to the area and observed a blue Toyota van at a gas station. Gas station employees had observed several people get into the van. On Route 4 in Westville, NY, BPAs conducted a vehicle stop and observed several individuals laying on the floor of the van attempting to conceal themselves. The defendant stated that he picked up all the passengers at the gas station.

5. The undersigned has been informed that after sentencing, the Material Witness—BHUPINDER SINGH — may be deported or released by immigration with a Notice to Appear at a future date in immigration court. The Material Witness, if released, has no incentive to return to the Northern District of New York or to report to immigration court as he will face deportation. Moreover, the Material Witness will have no reason to provide an accurate address where agents could locate him. For this reason, it is impracticable to secure the presence of the Material Witness by subpoena for trial of the criminal action against the defendant.

6. The testimony of the Material Witness is necessary and essential to the prosecution of the case against defendant MD FARIAJ MIRIDHA because the Material Witness is an alien that the defendant was transporting.

WHEREFORE, it is respectfully requested that this Court issue an Order directing the arrest of BHUPINDER SINGH pursuant to Title 18, United States Code, Section 3144.

Pursuant to Title 28, United States Code, Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

/s/ Leilani Dominicci-Vazquez

Leilani Dominicci-Vazquez
Assistant United States Attorney
Bar Roll No. 705803